IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.765 OF 2006

Yogesh Sopan Rajole ....Petitioner.

V/s

State of Maharashtra
and Ors. ....Respondents.

Mr. C.T. Chandratre for the petitioner.
Mr. R.D. Rane, G.P. for respondent Nos. 1 to 3.

CORAM: V.G. PALSHIKAR &
V.M. KANADE, JJ.

DATE : 5th June, 2006

P.C.:

1. By this petition, the petitioner has challenged the communication dated 30/1/2006 by which he was informed that the permanent continuancy granted to him by earlier communication of 8/4/2005 is cancelled.

2. The petitioner contends that this has resulted in withdrawal of his recognition in toto. Notice why the petition be not admitted was issued and an affidavit-in-reply has been filed by the respondents. In the affidavit, it is contended that the continuity of service or approval granted to the appointment of

the petitioner is not touched and what has been done by the impugned communication is that his permanent status as a teacher to receive salary from grant-in-aid is removed and he shall be entitled to his salary from the Management which cannot be denied. The claim of the petitioner that he has been rendered temporary by this communication is, therefore, baseless. The affidavit very specifically states as under:-

> . "It is further pertinent to note that only S.S.C. D.Ed. Teacher is eligible for teaching one class. It is the norm of Work-Load set up by MEPS Rule Nos. 21 and 22 and S.S. Code Rule No.66 i.e. why the name of S.S.C., D.Ed. teacher Smt. Pramila Jibhau Chavan, the Respondent No.5 was considered against the grant of 5th standard and concerned pay bill, particularly when the 100% Government Grant was sanctioned only for 5th standard as explained above. The Respondent No.5 D.Ed. Teacher was only eligible to get the salary from the Government Grant sanctioned only for 5th standard."

3. In view of this specific statement, we see no reason to interfere. Petition is accordingly disposed of.

(V.G.PALSHIKAR, J.)

(V.M. KANADE, J.)